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On January 5, 2006

TOWNSEND and TOWNSEND and CREW LLP

By Andrea S. Beck

PATENT  
Docket No.: 016866-006211US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Chris D. Paulse, et al.

Application No.: 10/669,499

Filed: September 23, 2003

For: METHOD FOR ANALYZING  
MASS SPECTRA

Examiner: Tung S. Lau

Art Unit: 2863

AMENDMENT, REQUEST AND FEE  
DELETING INCORRECTLY NAMED  
PERSONS (37 C.F.R. § 1.48(b)) AND  
ADDING INVENTOR OF INVENTION  
ORIGINALLY DISCLOSED AND NOW  
BEING CLAIMED (37 C.F.R. § 1.48(c)).

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This filing pursuant to 37 C.F.R. § 1.48(b) and 1.48(c) is made to add an inventor and delete persons that are not co-inventors to the presently claimed subject matter.

**I. 37 C.F.R. § 1.48(b)**

This amendment and request under 37 C.F.R. § 1.48(b) is to delete the names of the following persons as inventors who are not the inventors of the invention now being claimed: **Chris D. Paulse, Eric T. Fung, and William E. Rich.**

The undersigned acknowledges that Chris D. Paulse's, Eric T. Fung's, and William E. Rich's inventive contributions are no longer being claimed in this non-provisional application.

**II. 37 C.F.R. 1.48(c)**

This amendment and request under 37 C.F.R. § 1.48(c) is to add the name of the following person as an inventor and who is an inventor of at least one allowed claim in this application: **Cynthia Nakatani**.

Attached is a statement from Ms. Nakatani that the amendment is necessitated by the amendment of the claims and that the inventorship error occurred without deceptive intention on her part.

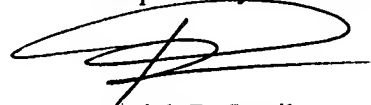
Attached is a substitute declaration both by the actual inventors as required by 37 C.F.R. § 1.63.

Also attached is the written consent of the assignee to the changes made herein.

The processing fee for correcting inventorship in a patent application is \$130.00 (37 C.F.R. 1.17(i)). Please charge any additional fees associated with this filing to deposit account no. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0300.

Respectfully submitted,



Patrick R. Jewik  
Reg. No. 40,456

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
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TOWNSEND and TOWNSEND and CREW LLP

By: 

PATENT  
Docket No.: 016866-006211US

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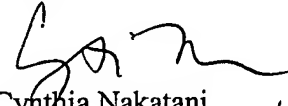
STATEMENT OF CYNTHIA NAKATANI  
PURSUANT TO 37 C.F.R. § 1.48(c)(2)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Cynthia Nakatani, the person, who is being added as an inventor in the Amendment, Request and Fee Deleting Incorrectly Named Persons (37 C.F.R. § 1.48(b)) and Adding Inventor of Invention Originally Disclosed and Now Being Claimed (37 C.F.R. § 1.48(c)) which is being filed herewith, state that the addition of my name as a co-inventor to the present application occurred by the amendment of the claims and that the inventorship error occurred without deceptive intention on my part.

Respectfully submitted,

  
Cynthia Nakatani

60634559 v1

12/16/05



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Fax No. 1-571-273-8300 on Jan. 5, 2006  
Via U.S. Mail

TOWNSEND and TOWNSEND and CREW LLP

By: 

PATENT  
Docket No.: 016866-006211US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Chris D. Paulse, et al.

Application No.: 10/669,499

Filed: September 23, 2003

For: METHOD FOR ANALYZING  
MASS SPECTRA

Examiner: Tung S. Lau

Art Unit: 2863

ASSENT OF ASSIGNEE TO  
CORRECTION AND/OR ADDITION OF  
INVENTORS

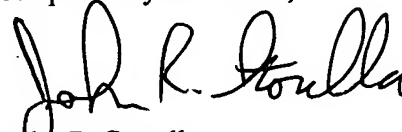
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

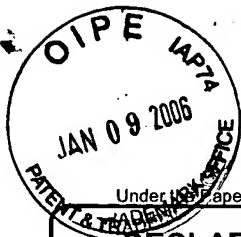
Ciphergen Biosystems, Inc., of 6611 Dumbarton Circle, Fremont, California, 94555, is the Assignee of the present application. The assignment is recorded at Reel/Frame no. 012871/0949. Attached is a Statement Under 37 C.F.R. 3.73(b), establishing the right of the Assignee to take action in this case.

The Assignee assents to the inventorship corrections being made herewith in the Amendment, Request and Fee Deleting Incorrectly Named Persons (37 C.F.R. § 1.48(b)) and Adding Inventor of Invention Originally Disclosed and Now Being Claimed (37 C.F.R. § 1.48(c)) which is being filed herewith.

Respectfully submitted,



John R. Storella  
Vice President of Intellectual  
Property, Ciphergen Biosystems, Inc.



PTO/SB/01A (09-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)****Title of  
Invention****METHOD FOR ANALYZING MASS SPECTRA**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐

The attached application, or

☒Application No. 10/669,499, filed on September 23, 2003,☒as amended on 2-5-04 and 9-19-05 (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: Edward J. GAVINDate: 09 Dec 2005Signature: [Signature]Citizen of: United States of AmericaInventor two: Leonid BRAGINSKY

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: United States of AmericaInventor three: Cynthia NAKATANIDate: 12/9/05Signature: [Signature]Citizen of: United States of America

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_

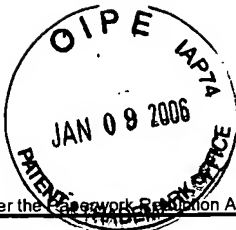
Citizen of: \_\_\_\_\_

☐

Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of  
Invention

METHOD FOR ANALYZING MASS SPECTRA

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/669,499, filed on September 23, 2003,
- ☒ as amended on 2-5-04 and 9-19-05 (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

Inventor one: Edward J. GAVIN

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: United States of America

Inventor two: Leonid BRAGINSKY

Date: 12/15/05

Signature: Leonid Braginsky

Citizen of: United States of America

Inventor three: Cynthia NAKATANI

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: United States of America

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_



Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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